

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE NO.192 of 1983

For approval and Signature :

Hon'ble Mr.Justice N.J.PANDYA :

and

Hon'ble Mr.Justice S.D.PANDIT :

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The Garden Silk Mills Pvt.Ltd.

versus

The Commissioner of Income Tax,Surat.

J.P.Shah,for the applicant

Mr.Mihir Thakore,Adv.with Mr.Manish

R.Bhatt,Advocate for the respondent.

CORAM ; N.J.PANDYA & S.D.PANDIT,JJ.

29-8-1996

ORAL JUDGMENT

Per S.D.Pandit,J.

The Income Tax Tribunal, Ahmedabad has referred the following questions to this court " whether the Tribunal was right in not allowing gratuity of Rs.3,67,199/- being expenditure incurred in respect of the relevant previous year for further payment on scientific method of calculation." The tribunal had not allowed the contention of the learned assessee for allowing the said expenditure and because of the same, the assessee has prayed before the tribunal to refer the said questions to this Court, but when this reference came up for hearing before us, the learned advocate for the assessee very fairly conceded before us that in view of the decision of the Appex Court in 156 I.T.R.Page 585, the reference will have to be answered in favour of the revenue and in view of the said decision of the Appex Court,he would not press for the reference.We accordingly answer the reference in question in affirmative and disposed of the same with no order as to cost.

